## New York Store

Established 1853.

## Agents for Butterick Patterns. SHOES!

First Saturday of the Big Sale-\$1.50 to \$5 Shoes at from . . .

21c to \$2.48 a pair Unusual opportunities.

## Ladies' Coats

Choice of any in our entire stock for

. . \$8.98 . .

A wonderful chance.

## Pettis Dry Goods Co.

Commence

Drs. Coughlin & Wilson, Dentists S. W. cor. Market and Penn. sts., opp. P O. Formerly in "The Denison."

MANY IMITATORS

But no superior, has . . .

## Princess Flour

Do not accept a blended or spring wheat Flour as its equal.



Celebrated for its great leavening strength and healthfulness. Assures the food against alum and all forms of adulteration common to the cheap brands. ROYAL BAKING POWDER CO., NEW YORK.

#### AMUSEMENTS.

Something happened at the Grand last night during Stuart Robson's production of "The grain of corn between my teeth and let you peck my eye out." This line came within less than seven-eighths of an inch of being the truth last night. When old Jucklin bent down and gathered up his pets in the midst of the fight one rooster turned on him viciously and made a peck at his eye, catching Robson on the bridge nose and tearing off a strip of skin as wide as the point of the red hackle's beak and | Chicago from here for a short visit and nearly an inch long, reaching down almost to the a strip of court plaster at to-day's performances and if any one doubts this story they may call at Stuart Robson's dressing room and inspect his hose. The roosters in the play are full-blooded game cocks from New Orleans, "The Jucklins" will be repeated at the matinee this afternoon and to-night "Mrs. Ponderbury's Past" will be the bill. Madame Janauschek, who has not appeared in this city for years, is in the cast.

The souvenir matinee at English's to-day will attract the ladies in large numbers. Each lady buying a lower floor ticket will receive as a souvenir a Delft cup and saucer. The matinee is at popular prices and is the last performance here of "The Nancy Hanks," The name of this piece does not begin to imply the amount of clean entertainment afforded. Martinetti, Tannehill, Anna Boyd and the rest are clever people and the situations are full of innocent merriment, Boyd's songs are the best in that line heard here

## Sousa, "The March King."

Sousa sets the feet of thousands of music lovers tapping to the rhythm of his thrilling marches, but those who love his music and will again hear not as familiar as they should be with the development of this purely American musical other question is strongly in that line. product.

The most interesting part of his early career, when he was a young composer, was spent in the City of Brotherly Love, modestly working in the position. Here is where the talents, which now play such an important part in the musical deand commented on. Philadelphia is where De work by Sousa, and came back eleven years after in the very theater where the "March King" the young Washingtonians. Sousa's father was a Spaniard and a musician of no mean attainment. The sen says he owes the foundation of his suc cess in music to the instruction and example of his parents. His mother was a German and from her Sousa inherited the splendid ideas of good

form in musical composition which always char-

He was barely twenty when he stepped into the

musical life of Philadelphia during the centen

nial year, as one of the first violins of the big

acterizes his writings.

orchestra that Offenbach, the famous writer of opera bouffe, was leading there, during the big show. And it was not long before Sousa was sharing some honors, either. The dark-bearded flashing-eyed, military Sousa of to-day was of a different type then. His dark eye was there, but it had the expectant look. The beard was inacquired. Sousa was opening the gateway of his career, and standing upon its threshold, sure, perhaps, of his ultimate success, but a long way and many struggles from its summit. He became a favorite, even though his name in hig type was not staring into faces, or his picture adorning After the Offenbach season closed in the early autumn of 1876 Sousa stayed long enough to fall | nue. He probably slipped on the key pavein love with a Normal School lass, and during the seasons that "Pinafore" raged and reigned, and when an amateur manager, with the more or less poetic name of Gorman, formed the Original Church Choir Pinafore Company, Sousa, the conductor, made love over the footlights to Sir oseph Porter's Cousin Hebe-who was this same Normal School girl-and married her. Then Sousa went on the road, but before he did he made the reputation of being one of the best and speediest arrangers of music. Simon Hassler used to say that if you gave Sousa a meledy on one string of a violin he would have it scored for symphony or hestra quicker than you could think it out. This was probably very generous praise, but Sousa was an unusual adept at this work. He had a genius for it, just as has a genius for writing marches those marches that mean tramping soldiery, tapping drums, thrilling tunes, and the entire military And he was the first and only American who has ever led the United States Marine Band. This sounds strange, but it is true, and, like all true things, it is a little strange that the band of the people, the government and the President the United States should, during its entire existence, have but one native-born American as conductor. It was in 1886, and Sousa was traveling through the country directing a musical

comedy for which he had supplied the music

He was in Kansas City, then much wilder and

woolier than it is now, when he received a tele-gram from Colonel McCawley, commandant of

the United States Marine Corps at Washington,

offering him in brief words the leadership of the

Marine Band. Colonel McCawley had seen Sousa

conduct opera, thought he was the man for the

What Sousa did with the Marine Band is

nired, and even beloved, in Washington; now

part of our musical history. How he was ad-

his newspaper colleagues-for Sousa was and is

a member of the famous Gridiron Club-tried un-

successfully to secure adequate recognition of

Sousa's services by the government, is one of the

chronicles in Washington Afe. Then came the

resignation of Sousa from the service, the or-

place, and had him appointed.

ganization of his now unrivalled instrumental 'booming" of his wonderful marches and the Sousa of to-day-the most brilliant figure of American musical life-whose career proves anew that all the romance of life is not inspired by fiction. The present tour of twenty-one thousand miles is unprecedented in musical annals. It involves

the playing of 280 concerts in 169 consecutive days, a visit to 196 towns and cities within the vast territory bounded by the Atlantic, Pacific, the Gulf of Mexico and the Gulf of St. Lawrence. It is in all respects a marvelous journey, and i proves clearly that Americans love their own music and their own composers quite as well as they do stars and melodies of foreign birth and Following is Sousa's programme for to-night's

I. Overture, "Grand Festival".....Leutner Prelude to 'Lohengrin'
 Fluegelhorn solo, "Werner's Farewell" Nessler Herr Franz Hell.

.. Kling

Trombone solo, "Air Varie"....
Mr. Arthur Pryor.
First Hungarian Rhapsody.... 7. Soprano solo, "Se Saran Rose".......
Mrs. Elizabeth Northrop.
8. a Introduction and Siciliana, "Caval-.....Arditi .Mascagni b March, "El Capitan"

4. Caprice, "Robin and Wren" (new)...

Violin solo, "Ballade et Polonaise" Miss Martina Johnstone. 10. Entr' Acte, "The Cricket on the 

#### Notes of the Stage.

At Hooley's on Jonday next will be presented for the first time in Chicago Wilson Barrett's play entitled "The Sign of the Cross." The production will be, in respect to scenery, properties and costumes, an exact duplicate of the one now running at the Lyric Theater, London.

At Chicago next Monday evening e first souvenir event of the season at the rumbia will take place. It will be the three-laindredth performance of Sousa's "El Capitan," and the oc casion will be duly celebrated. Manager Ben Stevens, for De Wolf Hopper, and Will J. Davis, of the theater, have succeeded in inducing John Philip Sousa, the march king, to bring his entire band to the Columbia at the conclusion of the concert at the Auditorium and college. the concert at the Auditorium, and will play the now celebrated "El Capitan" march and other spirited compositions from that opera. Next week will be the third and last of the engagement of De Wolf Hopper at the Columbia.

## MRS. STUART'S READING.

Her "Sonny," She Says, Is a Purely Imaginary Character.

Mrs. Ruth McEnery Stuart is the guest of Mrs. Sewall for a few days, and yesterday afternoon she gave some readings from her own writings before the girls of the Classical School and some of their friends. Mrs. Stuart reads the dialect as well as she writes it, and her representations of the sketches of the "Sonny" stories and others were charming and were greeted with laughter and applause. Mrs. Stuart is slender and graceful, and her dark brown hair she wears thrown softly back from her face in half pompadour style. She has the delightful accent of the southland. Mrs. Stuart in a conversation was asked about the "Sonny" sketches. She said that Sonny was purely an imaginary character. She laughed as she told of a number of photographs which people have sent her of their own Sonnys, who pessess strong characteristics like the boy of which she writes. On being asked if any of the pictures were like the picture she had in with features. Mrs. Stuart has just been on a reading tour in which her programmes are made up of readings from her own writings, frequently request numbers. She is unlike many writers who are poor readers, for she has a pleasing voice and one which fills an ordinary half so that all can hear. Mrs. Stuart when asked about her early readings said that the first public reading was given in Tulane University at New Orleans, although she had read for her friends in pariors numbers of times, She is now returning South from a trip to Minnesota, and cold weather has followed her persistently. At no time, however, has missed a business engagement, although several social engagements have been foregone on account of the cold. Mrs. Stuart says in regard to writings: "It is easy to be humorous when you are in the atmosphere." and from the bright and humorous things in her sketches it is easy to believe that this is true for her. Mrs. Stuart now contributes to the Century and Harper's and does occasional writing for the Ladies' Home Journal. is under engagement for McClure's. is engaged in writing a novel which she has half finished. Whether it is completed during the coming year depends on whether she takes a trip to London, where she has been invited to go and give a series of drawing-room readings. She will return to then will make her journey South, where she will read again in the woman's annex to the university where she made her first appearance. Mrs. Stuart's life has been devoted to the education of her son, now a

## MUST FURNISH GAS.

#### Company Liable for Death Caused by Failure to Furnish Fuel.

The Supreme Court yesterday handed down an opinion that will interest the patrons of the Indianapolis Gas Company and other companies. The opinion holds that where a gas company has the franchise for supplying gas and fails to after making a contract to do so it is liable for the death of a person caused by the failure. While the opinion does not enter into the question of the liability of a citizen for his famous band at Tomlinson Hall to-night are | payment for gas that he does not receive, it would seem that the decision on the In the winter of 1892 James B. Coy, of Haughville, made a contract for gas with the Indianapolis Gas Company and in January, when the cold weather came on, he could get no gas. He had no other fuel and his five-year-old daughter was ill. He notified the company that he could get no other fuel and demanded that he be furnished sufficient gas. He did not get it, and velopment of Americans, were first recognized the cold aggravated the illness of his daughter and she died. In his opinion in reversing the judgment of the lower court, which was in favor of the company, Judge

Howard says: Whether, particularly after contract entered into to supply the gas, the company might be relieved of the obligation to furnish by reason of inability to procure the gas or for other reason, we need not deas no such question appears in the record. \* \* \* It cannot be said, in view of the authorities, that a natural gas company, occupying the streets and alleys of a city or town, by virtue of a franchise granted for that purpose may, at its pleasure, give or withhold fuel at its disposal and which may be the means necessary for the comfort, health or even life of the in-

## FELL FROM THE CAR.

#### William H. Baumgartner Seriously Hurt Near the Denison.

William H. Baumgartner, vice president of the Indianapolis Paint and Color Comevening just about the time the Denison House fire broke out. He was riding on a College-avenue out-bound car and started to alight while the car was moving, just after it had turned into Massachusetts avement. He was picked up by the street-car employes and carried into Dr. N. D. Woodard's office, at 20 Massachusetts avenue. He was unconscious, and it was several minutes before he partially recovered his senses. Dr. Woodard found that the right cheek bone was fractured and that Mr. Baumgartner had suffered a slight concussion of the brain. The patient did not recover sufficiently while at the office of the physician to explain the accident. He lives at 1190 North Meridian street and would not be taking a College-avenue ear to go to his home. His place of business is in the block where the accident occurred, but he would not alight from the car until he reached Delaware street to go there. The supposition is that he thought he was on a Pennsylvania-street car and discovered his mistake as the car turned into Massachusetts

avenue; or that he saw the fire apparatus coming and jumped off to look at the fire. The Wrestling Match To-Night. The first wrestling match of the winter will take place to-night at the Empire Theater. Herbert Hale will go against Joe Burns, an Englishman, who has recently come to this country. He claims the lightweight championship of his country. Hale is said to be in fine condition, having been training for a match in Michigan. There

will be a side bet of \$150, besides a portion "Brown's Bronchial Troches." Price, 25 cts.

## SERIOUS CHARGES MADE

RECEIVER SOUGHT FOR THE HOME SAVINGS ASSOCIATION.

Fraud on the Part of Officers Alleged -Judge Woods's Order in the Vandalia Case.

With what is claimed to be a forged certificate of stock as a basis for a claim suit was filed yesterday by Margaret C. Abrams asking for a receiver for the Home Savings Association. It is claimed by the management of the association that the suit was filed merely for the purpose of trying to compel them to make a compromise of the case, which, they say, they will not do under any circumstances.

The complaint alleges all kinds of mismanagement and fraud in the management of the association's affairs. Four cases are specifically mentioned. This is the association of which Henry H. Moats was president before he left the city, owing everyone from whom he could borrow and with some of the association's money. It is charged in the complaint that he borrowed \$1,000 on two lots in Gas City which were not worth more than a merely nominal sum, while they were appraised by him and Rev. C. H. McDowell at \$2,000. The claim is also made that Mr. McDowell received, as pay for making the appraisement at an overvaluation, a note for \$300, which Moats had received as a part of the \$1,000 borrowed. Officers of the association say that there was nothing whatever illegal or wrong in the transfer of the note to Rev. Mr. McDowell, but that it was a business transaction which the books of the association show to be straight. It is further asserted that the association was compelled to foreclose, and that when it did so it brought the property in at \$1,300, the amount of its claim, while it was not worth enough to pay liens that were on it at the time the loan was made. The charge is also made that Moats was not required to furnish an abstract and that the directors did not know that there were other ments for thirteen weeks. Afterward the claim of \$533.52. It is claimed that these

A third case mentioned is that of John C. Hamilton, another director, and C. A. Hanoble, who borrowed \$350 on lots in this city, which were appraised at \$800. It is claimed that no dues or other payments association had to pay out money on street assessments until its claim amounts to \$500. No steps have been taken to collect this.

lots are not worth as much as the original

it is alleged. Then it is further charged that Mr. Mc-Donald, Henry Moats and J. C. Hamilton, directors, and Thomas R. Clegg, a nonresident, had given their individual note, on which \$500 was due. To pay this money they issued certificate No. 47 for \$500, and, it is claimed, hypothecated it to R. M. Furnas to pay the loan. No record was made on the books and no payment was ever made on the certificate. The certificate came back to Moats and he again transferred it, until it finally reached the hands of James M. Eaganbright, an innocent purchaser, who presented it last December and collected \$550 on it, while the association, it is alleged, had received nothing for it. Following these specific cases come general charges of fraud and mismanagement, without specifications, and the charge that if a receiver is not appointed the stockholders will lose what they have paid in. The present officers of the association are Charles J. Buchanan, president, and Mrs. Mendenhall, secretary. Yesterday they denied that the association had lost money through the loans mentioned in Mrs. Abrams's complaint. They said the assothat its funds had not been misapplied in any way. They were very much surprised to learn of the suit, for they said they did not suppose suit would be instituted when the attorney for the plaintiff had practically admitted that the signatures not like the genuine signatures. J. F. Carson, attorney for the association, was called in and held a consultation about the matter. He said the association would take prompt action in the matter, and would complete its pleading to the charges before the time set in the summons. He then made the following written statement: "The Home Savings Association enters

a general denial to the charge that fraudulent loans have been made by it, and to the charge of mismanagement. It has been imposed upon to an extent by H. H. Moats and his accomplices. Certificate of stock No. 47 referred to in the complaint was issued by H. H. Moats, while president, to Thomas Clegg, his relative. He, by artifice and misrepresentation, procured Miss Mary G. Hay, secretary, to attest it, with the understanding that it would not be delivered to Mr. Clegg until fully paid for. He violated his agreement. The certificate was delivered to Clegg without payment having been made and was subsequently transferred to various persons, all without the knowledge of the other officers of the association. H. H. Moats absconded several months afterward, before discovery by the association of the issue of the certificate. After having been assigned four or five times it came into the hands of J. M. Ercanbright by assignment from Frank C. Durham, who, with Luther Erganbright (a son of J. M. Erganbright) were then the attorneys of the association. For their connection with this affair these attorneys were discharged by the association. The

qualified officers of the association and be-

to and did pay it.
"The plaintiff in this suit for receiver i

a sister of H. H. Moats and holds a certificate of stock for \$500, which is a forgery. It bears date of Merch 8, 1896, and purports to be signed by C. H. McDowell and Esther Pugh, who were then president and secretary, respectively, and whose signatures were each forged. The plaintiff has no interest whatever in the association other than is evidenced by this forged certificate. Just after the flight of Moats she personaly presented her certificate and was then told it was a forgery. Three or four weeks ago she again, through her attorney, Mr. Haughey, presented the certificate at the office of the association and again demanded payment of dividends accrued. Mr. Haughey was at once told that the certicate was a forgery and genuine signatures were shown him. He admitted that the genuine signatures did not look like the forged ones. He said he would test the validity of the certificate by bringing a suit before a justice of the peace for the dividends due. Nothing further had been heard of the matof suit for receiver, when he again demanded payment, and was refused. "The association feels that the plaintiff purposely has sought to establish her claim | Court. by means calculated to do it most injury, for in these times, when general distrust pervades the whole business world, a suspicion, whether rightfuly or wrongfully raised, does vast harm and injustice, It feels that the plaintiff is trying to bulldoze her way to a claim which she knows to be unjust. Had she wished to establish the validity of her claim alone a good faith proceeding to that end would have answered the purpose, for once established the association has abundance of cash on hand to pay it. It is believed the suit is prompted by malice and is probably instigated by others whose motives are those

## the present. NOTICE ON RECEIVER MALOTT.

"The association asks that the public

withhold its judgment in the matter for

of the wrecker.

Action Taken in Accordance with Judge Woods's Permission. Judge W. A. Woods, of the United States Circuit Court, has granted permission William A. Ketcham, attorney general of the State, to file a notice in the court directed to Volney T. Malott, receiver for the Vandalia Railroad. The petition for permission to serve the notice was made the General Assembly providing for an m-Ketcham, in his petition, sets forth that the road is in the hands of a receiver and that the books and papers containing the information which the General Assembly desires is in the hands of the receiver and that the petitioner doubts if he can make a valid demand against the receiver without the consent and order of the court,

and Colds, or any trouble of the Throat, than him on the day the bill was approved by tion of remedies. the Governor, and yesterday morning the 17731. L., N. A. & C. R. R. Co. vs. How- tion know, had no relatives.

following decree was received by Noble C. Butler, clerk of the United States Circuit Court for the district for Indiana, and placed on record: "Comes now William A. Ketcham, the attorney general of the State of Indiana, and asks leave to file a petition for leave to serve notice upon the receiver, which leave is now granted. And thereupon said petitioner files a certain petition for leave to serve notice upon the receiver heretofore appointed herein, said petition being in the words and figures following.

To Volney T. Malott, receiver of the Terre Haute & Indian upolis Railread Company, under and by virtue of the appointment of the Circuit Court of the United States in the case of Mark T. Cox et al. vs. the Terre Haute & Indianapolis Railroad Company, being cause No. 2395 in

'You are hereby notified that under and pursuant to an act of the General Assembly of the State of Indiana, approved Jan. 27, 1897, that the duty has been imposed upon me as attorney general of the State of Indiana to demand of the Terre Haute & Indianapolis Railroad Company, the statement specified in said act of the General Assembly

'Inasmuch as you are as such receiver, in possession and control of the books and papers of said railroad companies, without which such statement cannot well be made. if it can be made at all, by the officers of said companies on behalf of the State of Indiana and of its General Assembly, I hereby demand that you do have said Terre Haute & Indianapolis Railroad Company on or before the 6th day of February, 1897, make and deliver to me, as attorney gen-eral of the State of Indiana, for the use and benefit of the General Assembly thereof, the statement provided for in and required by said act of the General Assem-WILLIAM A KETCHAM. "And the court having seen and examined said petition, and being advised in the premises, does now authorize and permit said petitioner, for and on behalf of the General Assembly of the State of Indiana, to serve such notice upon Volney T. Ma-lott, the receiver heretofore appointed here-And upon the service of such notice, it is ordered that copy of the notice so served upon such receiver shall by said petitioner be filed with the clerk of this court in Receiver Malott yesterday acknowledged the receipt of the decree of the court and said he was ready at any time to furnish the General Assembly any information in

#### TRON ESCAPES EASILY. Results from a Muddle in the Crim-

his possession

anal Court. Yesterday William Tron, owner of the Kingston saloon, and his bartender were Another charge is that Mary G. Hay, permitted, in the Criminal Court, to settle another director, borrowed \$375 on six lots a fine of \$25 and costs in one case. There were three indictments returned by the Deproperty was bought under foreclosure for | cember grand jury against these men jointly, charging them with selling liquor on Sunday, selling on Christmas and selling to a minor. The cases were set for hearing yesterday, and when called Attorney Henry Spaan, for the defense, filed an affidavit for a change of venue from the judge. were ever made on this loan and that the Judge McCray then appointed Charles F. Coffin, who is known to be the head of the civic league, to try the cases. This was a great surprise to Mr. Spaan. After a few

moments' study he said: "While having no objections to Mr. Coffin as a man and a lawyer, I have strong objections to having him as a judge in this case. It is well known that he is president of the Civic League, which hired detectives to secure the evidence on which these indictments were returned, and also that he contributed for the support of the league and for the hiring of the detectives. The attorneys for the defense have been contributed money for this purpose, and I also find that Joseph Flack, who was fore-

man of the grand jury that returned the ness in the case and was present when this statement was made. He said nothing in reply. Mr. Wiltsie suggested that the cases go over until next week, and Mr. Coffin said that if the attorneys would agree on cases. At this juncture of the proceedings Judge McCray was called into the courtroom. He looked from one party to the do. Mr. Coffin said that it is true that he is president of the Civic League, but that his connection with that organization would not prevent him from giving the cases a fair hearing. He denied that he had contributed money to hire detectives. It was finally decided that the cases should go over until next Tuesday, and Mr. Coffin left the courtroom. When Judge Mc-Cray resumed his place the motion for a pleading guilty to one indictment and the others being nollied on motion of the State This agreement had been reached with Mr. Wiltsie when it was seen what kind of a muddle affairs were getting into. After the settlement Judge McCray remarked that hereafter motions for a change of venue would have to be filed the day before the trial, to which Mr. Spaan replied: Well, your Honor, we did not know which of the cases was to be tried. We had received no notice, and for that reason we could not file our affidavit. I did not intend to put my head in the lion's mouth when Mr. Coffin was appointed. It is a matter of notoriety that he is at the head of the Civic League, and the court never

should have appointed him. Helen F. Buck's Troubles. The troubles of Helen F. Buck have reached the justice of the peace courts. Recently she was interested in a divorce case kins, agent for the property at 60 Indiana certificate having been issued by the duly avenue, where Mrs. Buck has kept a candy store, is trying to get possession of the ing held by one who was shown to be an Magistrate Lockman's through innocent holder, the association was obliged When the constables went to the place yesterday to serve the writ of restitution they found it closed. They discovered that representatives of an installment house had already been there and relieved the place of much of the furniture. The store fixtures and stock were still there. The officers also noticed that the water pipes in the store were frozen and broken.

Mrs. Cordes's Eighth Divorce Suit. The eighth suit entitled Augusta Cordes vs. Herman Cordes was filed in the Superior Court yesterday. She makes her usual charges of extreme cruelty, and asks for alimony of \$25,000. Some of the charges of cruelty are too filthy for publication, day noon: Thursday the seventh case of this kind was to the stand by Judge Allen. After questioning him the court intimated that it was probable that the claims of the plainter until a few moments before the filing | tiff could not be allowed. The case was then continued for a week, but was soon new complaint was filed in the Superior | scription), \$25; Julius C. Walk & Son (sec-

## THE COURT RECORD.

Supreme Court.

17993. Coy vs. Gas Company. Marion Reversed, Howard, J.-1. Gas companies which have received from the proper authorities the franchise which provides \$25; Benjamin Kelsey, \$5. for the accommodation of the general publie to the use of the gas under proper and reasonable regulations, owe a duty to furnish gas to all persons who make proper application for gaz to be furnished them when they comply with such reasonable rules as may be fixed and make reasonable compensation therefor. 2. When a gas company contracts with a consumer to furnish him gas for fuel, in compliance with the rules of the company, a breach of the contract by the company is a tort. 3. Damages naturally arising from a breach of the contract need not be mentioned in the agreement, but will be presumed to have been in contemplation of the parties, whereas special damages or those not naturally or usually arising from a breach of the contract, though contemplated by the parties, must be specially referred to in the contract itself. 4. In an action sounding in tort, all damages directly traceable to the wrong done and arising without an intervening agency and without fault of the injured person are recoverable. 5. A gas | progress, but it still backed a great naomnany is liable for the damages caused by the sickness and death of children when it fails to supply the fuel it contracted to vestigation concerning the claim of the furnish; the death of the children being the direct consequences of the failure of the company to furnish the fuel necessary | gamation, he thought, would come in time, to warm his house in which they lived. 18072. McCoy vs. Stockman. Decatur C. Affirmed. McCabe, J.-1. Errors assigned by the appellant are waived on failure to discuss them in their brief. 2. A

motion under a special appearance to quash the notice and set aside the order appointing a receiver is taking a step in the cause and constitutes a full appearance. 3. It is error to strike out a cross complaint on the ground that it does not state a cause of action. 4. A portion of the | committed Sept. 10, 1890. She had been ill plaintiffs may dismiss their cause of action Judge Woods is in Chicago sitting with and by leave of court be made defendants, her bed at the time of her death. Heart No Safer Remedy can be had for Coughs | the Court of Appeals. The petition reached | and they will not be estopped from be- failure was the probable cause of her decoming defendants on the ground of elec- mise. She came from Jefferson county, the woman's board of the Columbian ex- stock \$15,000. The capital stock of the

ell. Washington C. C. Appellants petition for a rehearing. 18075. Earhart vs. Farmers' Creamery. Clinton C. C. Certiorari granted. 18112. Roach vs. Clark. Elkhart C. C. Motion to dismiss postponed. Appellate Court.

2066. Kirsehbaum vs. Insurance Company. Jay C. C. Affirmed. Robinson, J.—This cause is reversed upon the authority of the appellant vs. the Hanover Insurance Company, decided at this term of court. 2046. Steading vs. Strouse. Marion S. C. Petition for rehearing overruled. Comstock, J .- A rehearing will not be granted when the conclusion reached in the origina! opinion was correct. 2017. Morris vs. Ellis. Green C. C. Affirmed. Wiley, J.-1. A chattel mortgage, under the statute, if not executed and recorded in strict compliance with the statute is void as to creditors or third persons having an interest in the property, even where they have actual notice of the irregularity. 2. In an action to foreclose a chattel mortgage the complaint should show that the mortgage was recorded in the county in which the mortgageors lived at the time of the execution thereof.

Superior Court. Room 2-Lawson M. Harvey, Judge. Allen Jennings vs. C. S. Denny et al. damages. On trial; jury out. Simeon Desson vs. Joseph Solomon; ac count. Judgment against defendant for

Room 3-Vinson Carter, Judge. Maud Bailey vs. John M. Gaston; damages. On trial by jury.

#### Criminal Court.

Frank McCray, Judge. The State of Indiana vs. Charles Ludwig; receiving stolen goods. On trial by court. The State of Indiana vs. Charles Powers and William Tron; selling liquor on Christmas. Separate trials; defendants arraigned; pleas of not guilty as to Tron and guilty as to Powers; defendant Powers fined \$25 The State of Indiana vs. William Tron and Charles Powers; selling liquor to

minors. Nollied by the State. The State of Indiana vs. William Tron and Charles Powers; selling liquor on Sun-day. Nollied by the State. Circuit Court.

Henry Clay Allen, Judge.

Edward Schmore vs. Shellhouse & Co. suit for replevin. Dismissed for want of prosecution; judgment against plaintiff for Louis Schmore vs. Shellhouse & Co.; suit for replevin. Submitted to court and evidence heard; finding for defendant; judgment against plaintiff for costs.

New Suits Filed. Margaret P. Abrams vs. Home Savings Association; for receiver. Room 3.

Augusta Cordes vs. Herman Cordes; divorce. Room 2. Frank Saxon vs. Circuit Court. Edward A. Strong vs. Ira M. Kurtz et al.; mechanic's lien. Circuit Court. John W. Claypool vs. John A. Thaeter et Schlecht et al. vs. Frank S. Fishback; on note. Room 3.

al.; foreclosure. Circuit Court. William Rouse et al. vs. L. A. Fulmer: on note. Room 1. Alfred M. Ogle et al. vs. Martha C. Rifner et al.; foreclosure. Room 3.

#### SHE WAS INSTANTLY KILLED Little Ellen Ledwick Falls at Deaf

and Dumb Institution.

A fatal accident occurred at the Institution for the Deaf and Dumb yesterday evening. Little Ellen Ledwick, the smallest child in the institution and the pet of everybody, both officers and teachers, fell from the second story to the first and was instantly killed. It was at 5:30 o'clock, just as darkness caused the children to enter the house after their play on the grounds. They were waiting the announcement of supper and were playing in the corridor indictments, was a contributor to that of the second floor of the middle building. Little Ellen, as usual, was setting the pace for whatever sport the girls undertook. She ran to the head of the stairs and sprang upon the balustrade as if to slide down and get away from those who were ciation was in good financial condition, and a date he would be present to try the following her. Behind her came Eva Holler, a child only six years old. She grabbed at Ellen as the latter threw herself upon other and did not seem to know what to the balustrade. Ellen lost her balance and

> The girl fell only about fourteen feet, but she struck upon her head. When picked up blood was oozing from her mouth, ears and nostrils. The institution's physician was on hand in a few minutes after the accident and pronounced life extinct. It was his opinion that death resulted from a fracchange of venue was withdrawn and a ture at the base of the brain. The coroner compromise was allowed by the bartender | was notified and will hold an inquest and probably an autopsy to-day. This was the dead girl's first year in the

institution. She was bern April 15, 1890, and was therefore only six years old when admitted. This is younger than pupils are usually admitted, but the rule is sometimes varied in favor of exceptionally bright children who are smart enough to take care of themselves. She came from South Bend and was entered in the institution through the efforts of the township trustee, Henry Wheeler. Her mother died about a year ago and her father is a wanderer, and a man who allowed his child to fall into the | Walnut street. care of the trustee. It is a coincidence that the rule was also

suspended to admit the Holler child, who is younger than was Ellen Ledwick. She has a sister in the institution who there last term. It was represented to Superintendent Johnson that the girl's mother was about to be sent to the Insane Hospital at Logansport and that the child's older sister would be able to help care for her while at the institution. She came from Millwood, Kosciusko county.

## THE WORK OF RELIEF.

Aid Extended to 149 Families Yester- Gray, of Noblesville. day-Contributions.

The good work of relieving the poor still goes on at the rooms of the Organized Charities, Secretary Grout said that 149 families were relieved yesterday. The society has given work to thirty people in its own office, employing them in clerical work, hauling coal and investigating the claims of those who ask for aid.

People are still sending in their offerings of money and clothes. The following subscriptions have been received since Thurs-

Mrs. Hamline Schmidlap, \$5; Mrs. Jane Morris, \$5; Vinson Carter, \$5; Eckhouse & W. H. Armstrong & Co., \$ Bros. \$5: Maurice H. Raschig, \$4; cash, \$5; cash, \$5 employes Star store, \$10; employes American Press Association, \$5; Samuel O. Pickens, \$5; cash, \$1; H. C. Chandler (second subscription), \$5; W. T. Cannon., \$5; Western Furniture Company, \$20; cash, \$2; A dismissed by the plaintiff, and yesterday a M. Ogle. \$10; G. A. Schnull, (second subond subscription), \$25; Children's Mission, \$2; cash, \$5; S. L. Goole, \$5; Lillian G. Smith, \$1; Miss Lillie Reese, \$5; cash, cents; C. A. Hilgenberg, \$2; cash, \$1; H. C. G. Bals, \$5; cash, \$2; C. F. Coffin, \$10; C. F. Coffin, ir., eight years, \$1; Central Christian Church. \$25; Louis G. Deschler, \$5; F. B. Smith & Co., \$5; J. H. Wilson, \$2; William Helfenberger, \$5; Indianapolis hominy mills,

> Mr. Mabie on Literature. At Plymouth Church last night a small audience listened to a lecture by Hamilton W. Mabie on "Society and Literature of America." Mr. Mable is himself an author of note, and a lecture from him on the subject proved to be a literary treat to those who heard him. Literature, he deany nation, and a nation had not succeed ed in well-balanced achievement of fame in the life among nations until it had established for itself a literature commensurate with its progress on other lines. And, he argued, without the literature there can be little real progress in other lines, but with the literature progress in other lines becomes a matter of course. Mr. Mable said the United States had made wonderful tional character in literature such Shakspeare in England or Dante in Italy, The trouble, as he saw it, is that there are too many nationalities represented here with too many national traditions. Amaland then, but not until then, could the United States achieve all it is capable of.

A Death at the Insane Hospital. Central Hospital for the Insane, died suddenly at 5 o'clock last evening. She was suffering from chronic mania and had been | Misses Charlotte and Mary Ransdell, for the last few days and was confined to

## ON THE STATE BOARDS BOYS'

GOVERNOR MOUNT HAS A LITTLE LIST OF MEMBERS PREPARED.

People Who Control the State Institutions of Various Kinds, and When Their Terms Expire.

For his own convenience Governor Mount has had prepared a list of the members of all the State boards, together with the date of the expiration of their term. As this is of large interest to numerous people who would like the glory of holding an office under the State, it is printed, as

follows:

Prison South-W. S. Carpenter, president, Cloverdale, March 12, 1899; James R. Henry, secretary, Gosport, March 12, 1899; John Nugent, Evansville, March 12, 1899. Prison North-E. H. Nebeker, president, Covington, March 19, 1899; H. Van Voorst, secretary, Monticello, March 19, 1899; R. S. Foster, Indianapolis, March 19, 1859. Northern Hospital for Insane—Jacob J. Todd, president, Bluffton, Jan. 1, 1898; Dennis Uhl, treasurer, Logansport, Jan. 1, 1900 Charles W. Slick, Mishawaka, Jan. 1, 1899. Eastern Hospital for Insane—Wm. D. Page, president, Fort Wayne, Jan. 1, 1899; E. G. Hill, vice president, Richmond, Jan. 1, 1898; Silas W. Hale, treasurer, Geneva, Central Hospital for Insane-J. L. Car-son, president, Fairland, Jan. 1, 1899; D. H. Davis, secretary, Knightsville, Jan. 1, 1898; John Osterman, treasurer, Indianapolis, Jan. 1, 1900.

Southern Hospital for Insane-S. B. Boyd, president, Worthington, Jan. 1, 1899; Dr. J. B. Wilson, vice president, Stewartsville, Jan. 1, 1898; W. L. Swormstedt, treasurer, Evansville, Jan. 1, 1900. State Normal School-Wm. H. Armstrong, president, Indianapolis, Jan. 6, 1900 Lewis B. Martin, secretary, Terre Haute, Jan. 6, 1900; Wm. R. McKeen, treasurer, Terre Haute, Jan. 6, 1898; J. H. Tomlin, Shelbyville, Jan. 20, 1898; D. M. Geeting, Indianapolis, March 15, 1897; Charles W. Ward, Newport, Jan. 20, 1898. Purdue University-Charles B. Stuart, president, Lafayette, July 1, 1901; E. A. Ellsworth, secretary, Lafayette, June, 1897 James M. Fowler, treasurer, Lafayette, June, 1897; Benjamin Harrison, Indianapolis, July 1, 1901; Wm. A. Banks, Laporte, July 1, 1901; James M. Barrett, Fort Wayne, July 1, 1899; J. H. Van Natta, La-fayette, July 1, 1899; J. S. Martin, Brook-ville, July 1, 1899; David E. Beem, Spencer,

July 1, 1897; Wm. H. O'Brien, Lawrenceburg, July 1, 1897. State University-Isaac Jenkinson, president. Richmond, 1897; S. R. Lyons, secretary, Bloomington, 1899; W. E. Woodburn, treasurer, Bloomington, annual appointment: R. A. Ogg. Greencastle, 1899; R. I Hamilton, Huntington, 1899; B. F. Shively, South Bend, 1899; C. L. Henry, Anderson 1897; Edwin Corr, Bloomington, 1897; W. D. Robinson, Princeton, 1898. Indiana Institution for Education of the Deaf-Samuel A. Bonner, president

Greensburg, Jan. 1, 1900; Tarvin C. Grooms secretary, Greencastle, Jan. 1, 1899; Charles E. Haugh, treasurer, Indianapolis, Jan. 1 Institution for the Blind-Nelson Bradley, president, Greenfield, Jan. 1, 1899; John Hennesy, treasurer, Indianapolis, January, 1900: James L. Allen, secretary, Covington, Jan. 1, 1898.

Reform School for Boys-George F. Mc-

Ginnis, president, Indianapolis, March 1 1899; W. J. Hilligoss, secretary, Muncie, March 1, 1897; W. C. Ball, Terre Haute, March 1, 1899. School for Feeble-minded-E. A. K. Hackett, president, Fort Wayne, March 1, 1897; Mrs. J. H. Bass, secretary, Fort Wayne, March 1, 1897; John M. Spann, Indianapolis, March 1, 1899. Soldiers' and Sailors' Orphan Home-Ber L. Smith, president, Rushville, March 1897; Julia S. Conklin, secretary, Westfield 2. 1899; John H. Bogart, Clinton, March 17, 1897. Indiana Reform School for Girls-Laura

Ream, Indianapolis, March 4, 1897; Isabella

R. Roach, Indianapolis, March 3, 1899

Claire A. Walker, Indianapolis, March 3

State Board of Charities-Demarchus Brown, Indianapolis, March 24, 1897; Margaret F. Peele, Indianapolis, March 24, 1897; Mary A. Spink, Indianapolis, March 1, 1898; Timothy Nicholson, Richmond, March 10, 1899; John R. Elder, Indianapolis, March Thomas E. Ellison, Indianapolis, March 1, 1898. Tax Commissioners-David F. Allen Frankfort, May 1, 1897; Ivan N. Walker, Indianapolis, March 10, 1899. State Veterinarian-Dr. F. A. Bolser, New Castle, Dec. 2, 1898. Live Stock Sanitary Commission-James M. Sankey, Terre Haute, March 9, 1897

#### Marcus S. Claypool, Muncie, March 8, 1900. PERSONAL AND SOCIETY.

George W. Hall, Raleigh, March 8, 1899

Mrs. J. A. Beach, of St. Louis, is visiting her sister, Mrs. R. J. Moulton. Miss Louise Forsythe, of Harrodsburg, Ky., is the guest of Miss Edna Williams. Miss Nell Johnson has returned from two months' visit with friends in Chicago. Mrs. Cuddeback and daughter, of Toledo O., are visiting Mrs. George H. Graves, of

Mrs. Enrique C. Miller has issued invitations for a reception Thursday afternoon in honor of Miss Carolyn Smith, of Cincin-Mrs. C. S. Holmes will give a card party Wednesday afternoon for her visitor, Miss

Weller, of Louisville, for which invitations have been issued. Mrs. Louis Hollweg entertained a party of ladies handsomely at luncheon yesterday in honor of Mrs. Krauss, of Cleveland, Mrs. Rush's guest Mrs. J. J. Landis and Mrs. W. H. Craft have returned home after a ten days' visit with the former's parents, Mr. and Mrs.

Mrs. Frank Janes has issued invitations for a company Tuesday afternoon in honor of Mrs. Shallcross, of Louisville, who will come Monday to visit her. Mrs. Louis G. Deschler will give a card company Feb. 5, and Mr. and Mrs. Deschler will entertain in the evening. Invitations for both entertainments have been

The directors of the Dramatic Club have been forced to issue a circular to their members, requesting strict compliance with Rule No. 9, which relates to the admission of guests from the city. Mrs. May Wright Sewall will give a reception Wednesday evening to have the

members of the Legislature meet Miss Susan B. Anthony, who will come Tuesday to spend a few days with her. Mrs. Ida A. Harper and daughter, Miss Winifred Harper, are guests of Mrs. R. K. Syfers. Mrs. Harper will remain until Friday, when she will accompany Miss Susan B. Anthony to Rochester. Miss Harper will spend the winter with Mrs. Syfers.

Mr. and Mrs. T. A. Winterrowd entertained a large company of friends handsomely at cards last evening at their pretty home on Central avenue. The apartments, were handsomely decorated for the event, and the prizes were artistic articles. Mr. and Mrs. James R. Lilley will leave to-day for Washington, D. C., where they will spend a short time with Mrs. Lilley' father, Judge Daniels, and then they will go to New York, where liss Eva R. Neison will meet them, and the three will sail for Europe Feb. 3.

Mrs. Young, of Terre Haute, was the guest of honor at a delightful luncheon given yesterday by her daughter, Mrs. Francis T. Hord, at the Blacherne. The table was adorned with a basket of hyaof the same flowers were the dainty sou-Mrs. Young were Mrs. John B. Elam, Mrs. John C. New, Mrs. J. S. Tarkington, Mrs. V. K. Hendricks Mrs. O. B. Jameson and president and Mrs. Laura Holtz Day is venirs at each cover. The guests to meet

Mrs. John G. Williams. Mr. and Mrs. Bement Lyman entertained elegantly at dinner last evening Mr. and Mrs. R. B. F. Peirce, Mr. and Mrs. Joseph A. Milburn, Mr. and Mrs. Henry Jameson and Mr. and Mrs. Henry D. Pierce. The table was set with exquisite taste, the center being a duchess lace piece over lightgreen satin, and on that a cut-glass vase of American Beauty, Bridesmaid and Mermet roses, the three shades harmonizing richly. Coffee was served in the library from a service two hundred years old, an heirloom in the family. Mrs. George G. Tanner gave a beautiful

luncheon yesterday to a number of the brides and young ladies in honor of Miss Augusta Lyon, who is to leave soon for Baltimore to remain indefinitely. The table with its handsome appointments was simply adorned with a large oval basket of scarlet tulips. The guests to meet Miss Lyon were Mrs. Theodore Varney, Mrs. William Henry Coburn, Mrs. Henry C. Atkins, Mrs. Charles M. Reynolds, Miss Farquhar, Miss Eleanor Smith, Mrs. George Sullivan, Miss Lucy Holliday and Mrs. Parrett, who is Mrs. W. J. Holliday's guest, and is to give the informal talk there at 3 o'clock this afternoon, is vice president of the National Council of Women, from Atlanta, Ga. She was one of sitions, representing her sex in various as- | increased \$50,000.

# SLEIGHS

SPECIAL LOW PRICES

BOYS' SLEIGHS

To close out our line of

The 35c kind for ..... 19c The 45c kind for ......29c

The 50c kind for ...... 34c The higher numbers at extreme low prices.

# The Wm. H. Block Co. Bowen-Merrill

One of the most popular books of the last year was

## The Seats of the Mighty - BY -

**GILBERT PARKER** 

just been received. Publisher's price.....\$1.50

Another hundred copies have

## **BOWEN - MERRILL**

sociations. She has been particularly suc cessful in the drawing-room talks of her present work, which is with the Florence Crittenden Mission work, a band of missions which is fast spreading throughout the entire United States and England. Mrs. John W. Kern gave an elegant luncheon yesterdhy in honor of Mrs. C. Holmes's guest, Miss Weller, of Louisville, A feature of the entertainment was the arrangement of covers. Mrs. Kern secured childhood pictures of each guest and placed one at each plate. The line which was presented to the guests was, "Find your places by your faces." No guest knew that her early photograph was in the possession of the hostess. The guests included Mrs. Thomas Taggart, Mrs. John C. Dean, Mrs. Powers, Mrs. P. B. Raymond, Mrs. William Fortune, Mrs. L. H. Levey, Mrs. Wm. R. Brown, Mrs. Horace Wood, Mrs. G. N. Catterson and Mrs. Holmes.

Mrs. V. M. Backus's handsome residence on North Meridian street was thrown open yesterday for a reception given by the ladies of the third section of the Free Kindergarten, of which Mrs. S. E. Perkins and Mrs. Backus are the leaders. ladies received in the parlor, and they were assisted in the several rooms by many of the members of the entertaining section. Coffee was served from a samovar at a red carnation decorated table in the parlor, and other refreshments from a hyacinth-decorated table in the dining room. During the afternoon a unique entertainment was given in the ball room of the house, which was prettily decorated for the occasion. Miss Ida Virginia Smith gave a pantomime of Delsartean poses, illustrating the "Suwanee River," "Ben Bolt" and "Coming thro' the Rye." As the different poses were gracefully taken Miss Schellschmidt played the theme of the song represented the harp. The whole was witnessed with much pleasure by a large audience Another feature was the cornet and flute duet played by Miss Jennie D. Lewis and Miss Elizabeth M. Banks.

A large and elegant reception was given yesterday afternoon by the Misses Wishard in honor of their sister-in-law, Mrs. William N. Wishard, formerly Miss Scoville, of Evansville, Mrs. Wishard wore her wedding gown of white satin, and the receiving and assisting ladies were handsomely costumed in evening gowns. The three ladies received in the parlor, where the floral adornment of jonquils harmonized with the candles of yellow, which were placed here and there in dainty candlesticks. Mrs. William H. Wishard, Mrs. James A. Mount, Mrs. T. C. Day, Mrs. Charles W. Fairbanks, Mrs. George Wishard, Mrs. M. L. Haines, Mrs. R. V. Hunter, Mrs. M. H. Ropkey, Mrs. D. L. Whittier, Mrs. S. C. Dickey, Mrs. F. C. Heath, Mrs. Charles Compton of Cincinnati, Mrs. J. J. Higgins, Miss Genevieve Scoville of Evansville, Miss Susan Peabody of Chicago and Miss Turner of Oswego assisted in entertaining in the parlors. The library and dining room were decorated with pink. Bridesmald roses being gracefully arranged on a table, which dainty with its embroideries and laces. Pink satin ribbons diagonally crossing the table were held with a Dresden candelabrum with pink and white candles. Pink and white were carried out in all of appointments of the dining room and the refreshments. Mrs. C. S. Crosley, Birs. E M. Ropkey, Miss Clough, Miss May Noble and Miss Hixon presided in the dining room, and Miss Helen Day assisted. At the lemonade bowl in the hall Miss Mount. Miss Drue Fawcett of New Albany, Miss Fairbanks and Miss Edith Yarnelle of Fort Wayne dispensed the cups. An orchestra furnished music during the hours from 3 to

## CITY NEWS NOTES.

guests.

6, and the spacious rooms were filled with

Rev. Sam Small will preach at Roberts Park M. E. Church to-morrow morning at Il o'clock on "Salvation's Three Effects." At the meeting of the Ministers' Association Monday morning at Meridian-street M. E. Church Representative S. E. Nicholson will read a paper on "The Relation of the Ministry to the Social and Moral Prob-

lems of the Time." The Unabhangigen Turnverein will give a mask ball in the Turners' Hall, at Illinois and Ohio streets, Feb. 8. The arrangement committee consists of Joseph H. Schaub, August Tamm, Wm. Leppert, Adolph Seidensticker and W. D. Shreve. Frank V. Steele, baritone, of Chicago said to possess a voice of dramatic fire and sweetness, has come to this city and will sing at Roberts Park Church Sunday morning. He has sung as soloist in Brook's Band and has been the basso soloist in the St. John's Reformed Episcopal Church, Fullerton-avenue Presbyterian and Church

The Indiana Ceramic Association will meet Feb. 10 with Miss Edna McGlliard, No. 806 North Delaware street. Many of the cities throughout the State are now repcinths and carnations, and small baskets resented on the membership list. An interesting programme has been arranged for

> Burglars Searched Place Thoroughly. At 3 o'clock yesterday morning Patrols man Streit was sent from the police stacery store of Shea Brothers, 198 and 200 West South street. The merchant policeman passing along by the store at 1 o'clock discovered that the store had been entered by prying open the front door. An investigation showed that the thieves had made a most thorough search of the place. They pulled open every drawer and searched every place where money might have been kept. They failed to find any money, The outer door of the safe had been left open and the thieves tried to force open the inner door, but failed. From the stock there was taken a box of eigatettes, five hundred cigars, a box of chewing tobacco and a box of chocolate. Patrolman Streit thinks

## the job was done by boys.

Incorporations. Articles were filed in the office of the secretary of state yesterday incorporating porte, capital stock \$100,000, and the Greenler Lumber Company of Auburn, capital and, so far as the officers of the institu- position, and has held many prominent po- Worthington Building Association has been